

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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**JOSE SAPETA, et. al.,**

**Plaintiffs,**

**v.**

**NISSAN-INFINITI LT, et al.,**

**Defendants.**

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**Civil Action No. 09-6160(KSH)**

**REPORT AND RECOMMENDATION**

This matter having come before the Court as a result of its Order dated April 1, 2010, directing the plaintiffs to show cause, no later than April 14, 2010, why sanctions should not be imposed pursuant to Fed. R. Civ. P. 37 and/or 41 for their failure to respond or otherwise communicate with their counsel;

and the Court being advised that a copy of the April 1, 2010 Order was served upon the plaintiffs;

and the Court being further advised that the plaintiffs' counsel has attempted to communicate with the plaintiffs by telephone and in writing but the plaintiffs have not contacted their counsel;

and the Court having considered the record of proceedings and the governing law;

and for the reasons set forth in the Report and Recommendation delivered on the record on April 14, 2010;

IT IS THEREFORE ON THIS 14th day of April, 2010

RECOMMENDED that the United States District Judge dismiss the Complaint, pursuant

to Fed. R. Civ. P. 37 and/or 41. The parties have fourteen days to file objections to the report and recommendation; and

IT IS FURTHER ORDERED that the plaintiffs' counsel shall serve the plaintiffs with a copy of this Report and Recommendation by regular mail, certified mail/return receipt or overnight mail/return receipt, email (if available) and fax (if available) and file proof of service with the Clerk of the Court.

s/Patty Shwartz  
**UNITED STATES MAGISTRATE JUDGE**